

ECF

**U.S. District Court
United States District Court for the Southern District of New York (White
Plains)
CRIMINAL DOCKET FOR CASE #: 7:07-cr-00543-KMK-1**

Case title: USA v. Elia et al

Date Filed: 06/14/2007

Assigned to: Judge Kenneth M.
Karas

Defendant (1)

Yehezkel Elia

represented by **Stuart P. Slotnick**

Buchanan Ingersoll PC(1 Chase Manhattan Plaza)
One Chase Manhattan Plaza
New York , NY 10005
(212)–440–4435
Fax: 212–440–4401
Email: stuart.slotnick@bipc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jared J. Scharf

Jared J. Scharf, Esq. (Sole Practitioner
1025 Westchester Avenue, Suite 305
White Plains , NY 10604
(914) 682–9777
Fax: (914) 428–3199
Email: jaredscharf@crimtaxlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO DEFRAUD
THE UNITED STATES
(1)

ATTEMPT TO EVADE OR
DEFEAT TAX
(2–13)

FRAUD AND FALSE
STATEMENTS
(18–28)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff**USA**

represented by **Cynthia Keeffe Dunne**
 U.S. Attorney's Office, White Plains
 300 Quarropas Street
 White Plains , NY 10601
 (914) 993-1913
 Fax: (914) 993-1980
 Email: cynthia.dunne@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Seetha Ramachandran
 United States Attorney SDNY 1 Saint
 Andrew
 One Saint Andrew's Plaza
 New York , NY 10007
 (212) 637-2546
 Fax: (212) 637- 2937
 Email: seetha.ramachandran@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/14/2007	<u>1</u>	INDICTMENT FILED as to Yehezkel Elia (1) count(s) 1, 2-13, 18-28, David Elyaho (2) count(s) 14-17. (fk) (Entered: 06/15/2007)
06/20/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith :Initial Appearance as to Yehezkel Elia held on 6/20/2007. Defendant present with attorney Jared Scharf, AUSA Dunne, Electronic Court reporter. (cg) (Entered: 06/21/2007)
06/20/2007	<u>2</u>	NOTICE OF ATTORNEY APPEARANCE: Jared J. Scharf appearing for Yehezkel Elia. (cg) (Entered: 06/21/2007)
06/20/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith :Arraignment as to Yehezkel Elia (1) Count 1,2-13,18-28 held on 6/20/2007. Defendant present with attorney Jared Scharf, AUSA Dunne, Electronic Court reporter. Defendant pleads not guilty. Defendant continued bail, set \$1,000,000.00, secured by property. Case assigned to Judge Brieant (cg) (Entered: 06/21/2007)
06/20/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith : Plea entered by Yehezkel Elia (1) Count 1,2-13,18-28 Not Guilty. (cg) (Entered: 06/21/2007)
06/20/2007		Case Designated ECF as to Yehezkel Elia, David Elyaho. (cg) (Entered: 06/21/2007)
06/20/2007		Case as to Yehezkel Elia, David Elyaho ASSIGNED to Judge Charles L. Brieant. Judge Unassigned no longer assigned to the case.. (cg) (Entered: 06/21/2007)
06/20/2007	<u>4</u>	Appearance Bond Entered as to Yehezkel Elia in amount of \$ 1,000,000.00, Travel restricted to SDNY/EDNY, Cosignors (wife Janice) by 6/22/2007, surrender passport and not apply for new travel documents, Strict pretrial supervision. (cg) (Entered: 06/21/2007)
06/20/2007	<u>5</u>	ADVICE OF PENALTIES AND SANCTIONS as to Yehezkel Elia. (Signed by Judge Lisa Margaret Smith) (cg) (Entered: 06/21/2007)
06/20/2007		Minute Entry for proceedings held before Judge Charles L. Brieant :Pretrial Conference as to Yehezkel Elia held on 6/20/2007. Deft Elia pres with atty Jared Sharf. IRS Agent Patrick Longo pres. A conference is scheduled for September 5, 2007, at which time it is expected that discovery will be completed. The Court finds excluded time under the Speedy Trial Act through 9/5/07 in the interest of justice in order to permit defendants to receive and review discovery. See Transcript. Bail is continued. (Court Reporter Sue Ghorayeb) (fk) (Entered: 06/27/2007)

06/21/2007	<u>6</u>	AGREEMENT TO FORFEIT PROPERTY by Yehezkel Elia. (cg) (Entered: 06/21/2007)
08/01/2007	<u>10</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Charles L. Brieant from Jared J. Scharf dated 7/31/2007 re: Request that the defendant Yehezkel Elia be permitted to travel outside the Southern and Eastern Districts as follows: 8/16-8/19 to Tuscon, AZ and 8/28/-9/1 to Las Vegas, NV....Endorsement: SO Ordered... (Signed by Judge Stephen C. Robinson on 7/31/2007) The Clerk's Office Has Mailed Copies.(cg) (Entered: 08/01/2007)
09/05/2007	<u>11</u>	Letter by Yehezkel Elia addressed to Judge Charles L. Brieant from Jared J. Scharf dated 8/17/2007 re: Request additional time to complete discovery and file motions... (cg) (Entered: 09/06/2007)
09/05/2007	<u>12</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Charles L. Brieant from Christina Ogando dated 9/4/07 re: Confirmation of re-scheduled conference. Endorsement: Application Granted. Conference now scheduled for 10/10/07 at 9:00 am. Time is excluded under the Speedy Trial Act through 10/10/07. So Ordered. (Signed by Judge Charles L. Brieant on 9/5/07)(fk) (Entered: 09/07/2007)
10/09/2007	<u>13</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Charles L. Brieant from AUSA Cynthia Dunne dated 10/5/2007 re: Request a 30 day adjournment of the pretrial conference and an exclusion of time under the Speedy Trial Act....Endorsement: Application Granted. Conference now scheduled for November 13, 2007 at 9:30 AM. Time is excluded under the Speedy Trial Act through November 13, 2007. So Ordered... (Signed by Judge Charles L. Brieant on 10/9/2007) The Clerk's Office Has Mailed Copies.(cg) (Entered: 10/11/2007)
10/23/2007	<u>14</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Charles L. Brieant from Jared Scharf dated 10/15/07 re: Request for permission to travel to Puerto Rico on 12/25/07 through 1/2/08. Endorsement: Application Granted. So Ordered. (Signed by Judge Charles L. Brieant on 10/22/07)(fk) (Entered: 10/25/2007)
11/13/2007	<u>15</u>	Letter by USA as to Yehezkel Elia, David Elyaho addressed to Judge Charles L. Brieant from AUSA Cunthia K. Dunne dated 11/7/2007 re: Response to Mr. Sharf's lengthy letter dated November 6, 2007 in which he tries to blame the government for his failure to analyze documents... (cg) (Entered: 11/14/2007)
11/14/2007		Minute Entry for proceedings held before Judge Charles L. Brieant :Pretrial Conference as to Yehezkel Elia held on 11/14/2007. Deft pres with atty Adam Scharf and Jared Scharf. AUSA Dunne pres. IRS Agent Patrick Longo pres. Conference is scheduled for 12/13/07 at 9:15 am. The Court finds excluded time under the Speedy Trial Act through 12/13/07 in order for counsel to evaluate relevant discovery. Bail is continued. See Transcript. (Court Reporter Albi Gorn) (fk) (Entered: 11/21/2007)
11/15/2007	<u>16</u>	Letter by Yehezkel Elia addressed to Judge Charles L. Brieant from Jared J. Scharf dated 11/6/2007 re: Request additional time to complete discovery and file motions... (cg) Additional attachment(s) added on 11/16/2007 (Gomez, Carlos). (Entered: 11/16/2007)
12/11/2007	<u>18</u>	Letter by Yehezkel Elia as to Yehezkel Elia, David Elyaho addressed to Dear Judge Brieant from Jared J. Scharf dated 12/10/2007 re:...The defense will request an additional six months to prepare for trial.... (jma) (Entered: 12/14/2007)
12/21/2007	<u>19</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Charles L. Brieant from Jared Scharf dated 12/21/07 re: Request that the deadline for filing a motion to suppress evidence be extended from 12/28/07 to 1/10/08. Endorsement: Application Granted. So Ordered. (Signed by Judge Charles L. Brieant on 12/21/07)(fk) (Entered: 12/27/2007)
01/10/2008	<u>20</u>	MOTION Miscellaneous. Document filed by David Elyaho as to Yehezkel Elia, David Elyaho. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Memorandum of Law)(Vita, Joseph) (Entered: 01/10/2008)
01/10/2008	<u>21</u>	MOTION to Suppress. Document filed by Yehezkel Elia as to Yehezkel Elia, David Elyaho. Return Date set for 2/5/2008 at 09:00 AM. (Attachments: # <u>1</u> Supplement Search Warrant, # <u>2</u> Supplement Search Warrant, # <u>3</u> Supplement Search Warrant, # <u>4</u> Supplement, # <u>5</u> Supplement)(Scharf, Jared) (Entered: 01/10/2008)

01/10/2008	<u>22</u>	MEMORANDUM in Support by Yehezkel Elia as to Yehezkel Elia, David Elyaho re <u>21</u> MOTION to Suppress.. (Scharf, Jared) (Entered: 01/10/2008)
01/22/2008	<u>23</u>	AFFIDAVIT of David Elyaho in Support by David Elyaho as to Yehezkel Elia, David Elyaho re <u>20</u> MOTION Miscellaneous.. <i>Motion to Suppress Evidence Seized Pursuant to Search Warrant Execution</i> (Vita, Joseph) (Entered: 01/22/2008)
01/24/2008	<u>24</u>	NOTICE of to join pretrial motions made by co-defendant, David Elyaho, to the extent such motions are applicable as to Yehezkel Elia, David Elyaho re: <u>20</u> MOTION Miscellaneous.. (Scharf, Jared) (Entered: 01/24/2008)
01/31/2008	<u>25</u>	MEMORANDUM in Opposition by USA as to Yehezkel Elia, David Elyaho re <u>21</u> MOTION to Suppress.. <u>20</u> MOTION Miscellaneous.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Exhibit A)(Dunne, Cynthia) (Entered: 01/31/2008)
02/06/2008	<u>26</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Charles L. Brieant from AUSA Cynthia K. Dunne dated 1/24/2008 re: Request a one week extension of time to respond to the Defendants' motions in the above case...Endorsement: Application Granted. Conference now scheduled for February 14, 2008. Time is excluded under the Speedy Trial Act through February 14, 2008. So Ordered... (Signed by Judge Charles L. Brieant on 2/4/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 02/07/2008)
02/07/2008	<u>27</u>	REPLY TO RESPONSE to Motion by Yehezkel Elia as to Yehezkel Elia, David Elyaho re <u>21</u> MOTION to Suppress.. <i>Reply to Government's Opposition and in Further Support of Motion to Suppress</i> (Attachments: # <u>1</u> Affidavit of Jay Genuth with annexed Exhibits A – D)(Scharf, Jared) (Entered: 02/07/2008)
02/08/2008	<u>28</u>	NOTICE OF CASE REASSIGNMENT as to Yehezkel Elia, David Elyaho, to Judge Judge Colleen McMahon. Judge Judge Charles L. Brieant no longer assigned to the case. (fk) (Entered: 02/08/2008)
02/19/2008	<u>29</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Colleen McMahon from AUSA Cynthia K. Dunne dated 2/12/2008 re: Request that Your Honor enter an order excluding time under the Speedy Trial Act until the date of the next pretrial conference...Endorsement: Time excluded in the interest of justice to March 28, 2008... (Signed by Judge Colleen McMahon on 2/14/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 02/20/2008)
03/28/2008		Minute Entry for proceedings held before Judge Colleen McMahon:Pretrial Conference as to Yehezkel Elia held on 3/28/2008 Defendant Yehezkel Elia present with attorney Jared Scharf, Defendant David Elyaho present with attorney Joseph Vita, Court Reporter Mary Staten. Decision and Order filed on Defendants' Pretrial Motions. Parties have been sent to Judge Karas for Trial. Notice of Assignment to follow. Bail continued. (cg) (Entered: 04/01/2008)
03/28/2008	<u>30</u>	dECISION AND ORDER ON DEFENDANT'S PRETRIAL MOTIONS. denying <u>20</u> Motion as to Yehezkel Elia (1), David Elyaho (2); denying <u>21</u> Motion to Suppress as to Yehezkel Elia (1), David Elyaho (2). Elia's motion to suppress is denied, Severence Pursuant to Rule 14 is denied, The United States requests that the defendant be required to provid the Government with reciprocal discovery Pursuant to Rule 16(b)(1)(A) and (B) of the Federal Rules of Criminal Procedure. That motion is Granted. (See Document for details).. (Signed by Judge Colleen McMahon on 3/28/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 04/02/2008)
04/01/2008	<u>31</u>	NOTICE OF CASE REASSIGNMENT as to Yehezkel Elia, David Elyaho, to Judge Judge Kenneth M. Karas. Judge Judge Colleen McMahon no longer assigned to the case. (cg) (Entered: 04/02/2008)
04/01/2008	<u>32</u>	ORDER as to Yehezkel Elia, David Elyaho. At a conference before the Court held on March 28, 2008, the Court adopted the following schedule: Jury selection and trial will begin on June 9, 2008. The Government shall turn over to defendants, pre-marked, all exhibits it intends to introduce at trial by mo later than May 2, 2008. Any exhibits the Government will seek to introduce pursuant Federal Rule of Evidence 404(b) shall be clearly designed as such. Request to charge and proposed voir dire shall also be submitted by no later than May 2, 2008. All in limine motions shall be served by no later than May 23, 2008. Opposition papers shall be served by no later than May 30, 2008. The Government shall turn over all Giglio and 3500 material by no later than

		May 23, 2008. With respect to reverse discovery, all discoverable in defendant's possession at this time shall be turned over to the Government by no later than one week from the date of this Order. Discoverable material obtained hereinafter will be turned over to the Government within one week of receipt by Defendant's counsel. The Court will hold a final pretrial conference on June 4, 2008 at 10 A.M. Pursuant to 18 U.S.C. 3161(h) (8) (A), time is excluded until June 4, 2008. So Ordered.. (Signed by Judge Kenneth M. Karas on 3/31/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 04/02/2008)
04/08/2008	<u>33</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Jared Scharf dated 4/3/2008 re: Request that jury selection in this matter be delayed from June 9, 2008 until June 12, 2008...Endorsement: Jury selection will begin on June 11, 2008, at 10 am. The expert witness is not necessary for jury selection. So Ordered... (Signed by Judge Kenneth M. Karas on 4/8/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 04/10/2008)
04/08/2008		Set/Reset Hearings as to Yehezkel Elia: Jury Selection set for 6/11/2008 at 10:00AM before Judge Kenneth M. Karas.. (cg) (Entered: 04/10/2008)
05/02/2008	<u>34</u>	PROPOSED EXAMINATION OF JURORS by USA as to Yehezkel Elia, David Elyaho. (Dunne, Cynthia) (Entered: 05/02/2008)
05/02/2008	<u>35</u>	Request To Charge by USA as to Yehezkel Elia, David Elyaho. (Dunne, Cynthia) (Entered: 05/02/2008)
05/21/2008	<u>36</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Kenneth M. Karas from AUSA Cynthia K. Dunne dated 5/19/2008 re: Request that trial testimony be briefly sdjourned to start either the afternoon of June 12 or the morning of June 13, 2008....ENDORSEMENT: The Court will take testimony begining on the afternoon of June 12, 2008, assuming we finish opening statements on June 11, 2008. So Ordered... (Signed by Judge Kenneth M. Karas on 5/20/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 05/22/2008)
05/23/2008	<u>37</u>	NOTICE OF ATTORNEY APPEARANCE Seetha Ramachandran appearing for USA. (Ramachandran, Seetha) (Entered: 05/23/2008)
05/23/2008	<u>38</u>	MOTION in Limine <i>Seeking the Admission of Proof and Proffer Statements.</i> Document filed by USA as to Yehezkel Elia, David Elyaho. (Attachments: # <u>1</u> Exhibit Proffer Agreement (Exhibit A), # <u>2</u> Exhibit Proffer Notes (Exhibit B))(Ramachandran, Seetha) (Entered: 05/23/2008)
05/30/2008	<u>40</u>	MEMORANDUM OF LAW in Opposition by USA as to Yehezkel Elia, David Elyaho. (Dunne, Cynthia) (Entered: 05/30/2008)
06/02/2008	<u>41</u>	MOTION in Limine. Document filed by Yehezkel Elia as to Yehezkel Elia, David Elyaho. (Attachments: # <u>1</u> Affidavit Declaration of Jared J. Scharf with attached exhibits A – F)(Scharf, Jared) (Entered: 06/02/2008)
06/02/2008	<u>42</u>	MEMORANDUM in Support by Yehezkel Elia as to Yehezkel Elia, David Elyaho re <u>41</u> MOTION in Limine.. (Scharf, Jared) (Entered: 06/02/2008)
06/02/2008	<u>43</u>	RESPONSE in Opposition by Yehezkel Elia as to Yehezkel Elia, David Elyaho re <u>38</u> MOTION in Limine <i>Seeking the Admission of Proof and Proffer Statements.. And In Further Support of Defendant Elia's Motion in Limine</i> (Scharf, Jared) (Entered: 06/02/2008)
06/03/2008	<u>45</u>	REPLY TO RESPONSE to Motion by Yehezkel Elia as to Yehezkel Elia, David Elyaho re <u>41</u> MOTION in Limine.. <i>Memorandum of Law in Behalf of Defendant Yehezkel Elia in Reply to Governments Opposition to Defendants Motion in Limine and Governments Motion to Preclude Unsubstantiated Tax Calculations</i> (Scharf, Jared) (Entered: 06/03/2008)
06/03/2008	<u>46</u>	TRANSCRIPT of Proceedings as to Yehezkel Elia, David Elyaho held on 3/28/2008 before Judge Colleen McMahon. Court Reporter: Mary Staten. (cg) (Entered: 06/03/2008)
06/05/2008	<u>47</u>	TRANSCRIPT of Proceedings as to Yehezkel Elia, David Elyaho held on 3/28/2008 before Judge Kenneth M. Karas. Court Reporter: Angela O'Donnell. (cg) (Entered:

		06/05/2008)
06/10/2008	<u>48</u>	ORDER: The Government's Motion in Limine is GRANTED, to the extent that the Government is able to confirm that the evidence at issue had been previously turned over to Defendants in discovery. Defendant Elia's Motion to Quash the Trial Subpoena served on Bernard Katz is DENIED....Defendant Elia's Motion in Limine is GRANTED in part and DENIED in part... Defendant Elyaho's Application for Severance is DENIED. The Clerk of Court is respectfully directed to terminate the pending motions (Dkt. Nos 38 and 41). So Ordered.. (Signed by Judge Kenneth M. Karas on 6/9/08) (fk) (Entered: 06/12/2008)
06/12/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/12/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Albi Gorn. (cg) (Entered: 09/02/2008)
06/12/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Voir Dire begun on 6/12/2008 Yehezkel Elia (1) on Count 1,2–13,18–28. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Albi Gorn. (cg) (Entered: 09/02/2008)
06/12/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Selection as to Yehezkel Elia held on 6/12/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Albi Gorn. (cg) (Entered: 09/02/2008)
06/16/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/16/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/16/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Voir Dire held on 6/16/2008 as to Yehezkel Elia. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/16/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Selection Comepleted as to Yehezkel Elia held on 6/16/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/16/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Begun as to Yehezkel Elia held on 6/16/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/17/2008	<u>49</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Jared J. Scharf dated 6/11/2008 re: Request permission to raise new issues at the conference to be held later today and second to inform the Court of these issues...ENDORSEMENT: The Clerk of the Court is respectfully request to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 6/17/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 06/18/2008)

06/17/2008	<u>50</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Jared J. Scharf dated 6/6/2008 re: At our pretrial conference on june 4, the Court directed that I write a letter today concerning various topics, including the date the government first delivered to defendant Elia records regarding New York State Sales tax fraud, federal payroll tax fraud and failure to file income tax returns in years subsequent to 2002, as well as defendant's trial objections and defendant's objection to a variance between the proof and the indictment...ENDORSEMENT: The Clerk of Court is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 6/17/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 06/18/2008)
06/17/2008	<u>51</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Kenneth M. Karas from AUSA Cynthia k. Dunne dated 6/6/2008 re: The Governments writes to address the issues raised at the June 4, 2008 pretrial conference in this case...ENDORSEMENT: The Clerk of Court is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 6/17/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 06/18/2008)
06/17/2008	<u>52</u>	ORDER as to Yehezkel Elia, David Elyaho....For the reasons stated fully on the record, the Court ruled that the following proffered evidence is precluded: Unsigned sales tax returns;...Testimony by Lily Zherka;...The Court ruled that the remainder of Lily Zherka's proffered testimony outlined in the Government's letter and offered pursuant to Federal Rule of Evidence 801(d)(2)(E) is admissbale. So Ordered. (Signed by Judge Kenneth M. Karas on 6/13/08)(fk) (Entered: 06/18/2008)
06/17/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/17/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/17/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/17/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/18/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/18/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/18/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/18/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) Modified on 9/2/2008 (cg). (Entered: 09/02/2008)
06/19/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/19/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)
06/19/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/19/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato--IRS, Nick Nelson--IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Angela O'Donnell. (cg) (Entered: 09/02/2008)

06/24/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/24/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/24/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/24/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/25/2008	<u>53</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Kenneth M. Karas from Jared J. Scharf dated 6/23/2008 re: Response to the government's letter to the Court which we received today at 5:25 p.m....ENDORSEMENT: The Clerk is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 6/24/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 06/26/2008)
06/25/2008	<u>54</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Judge Kenneth M. Karas from Cynthia Dunne dated 6/23/08 re: We write to respond to the repeated references to the Government's attempt to thwart the defendant in this case. ENDORSEMENT: The Clerk is respectfully requested to docket this letter. So Ordered. (Signed by Judge Kenneth M. Karas on 6/24/08)(fk) (Entered: 06/26/2008)
06/25/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/25/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/25/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/25/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/26/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/26/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/26/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/26/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Christina Arends-Dieck. (cg) (Entered: 09/02/2008)
06/30/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Final Pretrial Conference as to Yehezkel Elia held on 6/30/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Sue Ghorayeb. (cg) Modified on 9/2/2008 (cg). Modified on 9/2/2008 (cg). (Entered: 09/02/2008)
06/30/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 6/30/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato-IRS, Nick Nelson-IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court

		Reporter Sue Ghorayeb. (cg) (Entered: 09/02/2008)
07/01/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Held as to Yehezkel Elia held on 7/1/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato–IRS, Nick Nelson–IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Sue Ghorayeb. (cg) (Entered: 09/02/2008)
07/02/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Jury Trial Concluded as to Yehezkel Elia held on 7/2/2008. Defendant Yehezkel Elia present with attorney Jared Scharf, Esq., Defendant David Elyaho present with attorney Joseph A. Vita, Esq., AUSA Cynthia Dunne, Seetha Ramachandran, Agent John Scatenato–IRS, Nick Nelson–IRS, Paralegal Sherrill Doar, Courtroom Deputy Dawn Bordes, Court Reporter Sue Ghorayeb. (cg) (Entered: 09/02/2008)
07/02/2008		JURY VERDICT as to Yehezkel Elia (1) Guilty on Count 1,2–13,18–28. (cg) (Entered: 09/02/2008)
07/02/2008		Set/Reset Hearings as to Yehezkel Elia, David Elyaho: Sentencing set for 10/24/2008 at 10:00 AM before Judge Kenneth M. Karas.. (cg) (Entered: 09/02/2008)
07/29/2008	<u>55</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Jared Scharf dated 7/24/08 re: Request to file an out of time motion for a new trial. ENDORSEMENT: Mr Elia has 30 days to file his Rule 33 motions. So Ordered. (Signed by Judge Kenneth M. Karas on 7/28/08)(fk) (Entered: 07/31/2008)
08/04/2008	<u>56</u>	NOTICE OF ATTORNEY APPEARANCE: Stuart P. Slotnick appearing for Yehezkel Elia. <i>Notice of Limited Appearance</i> (Slotnick, Stuart) (Entered: 08/04/2008)
08/04/2008	<u>57</u>	Sentencing Letter by Yehezkel Elia addressed to Judge Kenneth M. Karas from Stuart P. Slotnick and Jared J. Scharf dated August 4, 2008 re: Bail Application. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F)(Slotnick, Stuart) (Entered: 08/04/2008)
08/11/2008	<u>58</u>	RESPONSE by Yehezkel Elia re: <u>57</u> Letter – Sentencing, filed by Yehezkel Elia to <i>Government's Opposition to Mr. Elia's motion for release.</i> (Scharf, Jared) (Entered: 08/11/2008)
08/11/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas:Bail Hearing as to Yehezkel Elia held on 8/11/2008. Deft pres with attys Jared Scharf and Stuart Slotnick. AUSA's Dunne and Ramachandran pres. IRS agents Nick Nelson and Sal Prestigiacomo pres. Bail Denied. Deft remanded. (Court Reporter Mary Staten) (fk) (Entered: 08/14/2008)
08/12/2008	<u>59</u>	ORDER as to Yehezkel Elia. Defendant, Yehezkel Elia is hereby remanded to the custody of the United States Marshal, for the reasons stated on the record on July 2, 2008. So Ordered.. (Signed by Judge Kenneth M. Karas on 7/2/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 08/13/2008)
08/14/2008	60	TRANSCRIPT of Proceedings as to Yehezkel Elia, David Elyaho held on 6/26/2008 before Judge Kenneth M. Karas. Court Reporter: Christina Arends–Dieck. (cg) (Entered: 08/15/2008)
08/14/2008	61	TRANSCRIPT of Proceedings as to Yehezkel Elia, David Elyaho held on 6/25/2008 before Judge Kenneth M. Karas. Court Reporter: Christina Arends–Dieck. (cg) (Entered: 08/15/2008)
08/14/2008	62	TRANSCRIPT of Proceedings as to Yehezkel Elia, David Elyaho held on 6/24/2008 before Judge Kenneth M. Karas. Court Reporter: Christina Arends–Dieck. (cg) (Entered: 08/15/2008)
08/26/2008	<u>63</u>	MOTION for New Trial <i>AND FOR JUDGMENT OF ACQUITTAL</i> . Document filed by Yehezkel Elia. (Attachments: # <u>1</u> Supplement MEMORANDUM OF LAW IN SUPPORT OF MOTION)(Scharf, Jared) (Entered: 08/26/2008)

08/29/2008	<u>64</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from AUSA Cynthia Dunne dated 8/22/2008 re: Letter in opposition to Yehezkel Elia application for bail pending his sentence...ENDORSEMENT: The Clerk is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 8/28/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 09/03/2008)
09/02/2008	<u>65</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Stuart P. Slotnick dated 8/15/2008 re: Request that the Court permit Mr. Elia daily leave from the Westchester County jail between the hours of 9 a.m. and 7p.m. for a period of two weeks...ENDORSEMENT: Mr. Elia's latest request for bail, based largely on the proffer of private armed guards to ensure that he will not flee is denied. The Court previously denied Mr. Elia's request based on factors that are not addressed by private guards. For example, Mr. Elia had not seen forthcoming about the extent and whereabouts of his assets. That issue, among others needs to be confronted before Mr. Elia can seriously request bail. Moreover, the proposal to use armed guards raises more questions than it answers. Among others, the Court finds it curious that Mr. Elia would pay people to guard him and wonders what parameters would be in place for the use of any force by these Elia-paid guards. Again, this denial is without prejudice. So Ordered... (Signed by Judge Kenneth M. Karas on 8/28/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 09/03/2008)
09/02/2008	<u>66</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from Stuart P. Slotnick dated 8/25/2008 re: Response to the Government's letter opposing for work release under the escort...ENDORSEMENT: The Clerk is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 8/28/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 09/03/2008)
09/17/2008	<u>67</u>	REPLY TO RESPONSE to Motion by Yehezkel Elia re <u>63</u> MOTION for New Trial <i>AND FOR JUDGMENT OF ACQUITTAL.. REPLY TO GOVERNMENT OPPOSITION AND IN FURTHER SUPPORT OF MOTION FOR NEW TRIAL</i> (Scharf, Jared) (Entered: 09/17/2008)
09/19/2008	<u>68</u>	ENDORSED LETTER as to Yehezkel Elia addressed to Judge Kenneth M. Karas from AUSA Cynthia K. Dunne dated 9/10/2008 re: Letter in opposition to Yehezkel Elia's motion for a new trial and for judgment of acquittal....ENDORSEMENT: The Clerk of Court is respectfully requested to docket this letter. So Ordered... (Signed by Judge Kenneth M. Karas on 9/18/2008) The Clerk's Office Has Mailed Copies.(cg) (Entered: 09/22/2008)
09/19/2008	<u>69</u>	ORDER as to Yehezkel Elia. An Adjournment is Granted. New date of Sentence 12/10/2008 at 10:00.. (Signed by Judge Kenneth M. Karas on 9/19/2008)(cg) (Entered: 09/22/2008)
09/19/2008		Set/Reset Hearings as to Yehezkel Elia: Sentencing set for 12/10/2008 at 10:00 AM before Judge Kenneth M. Karas.. (cg) (Entered: 09/22/2008)
10/21/2008	72	TRANSCRIPT of Proceedings as to Yehezkel Elia held on 08/11/2008 before Judge Kenneth M. Karas. Court Reporter: Mary Staten. (jma) (Entered: 10/21/2008)
10/23/2008	<u>73</u>	ORDER as to Yehezkel Elia... For reasons previously on the record, Defendant Elia's Fourth Bail Application is DENIED. The Clerk of the Court is respectfully directed to terminate the pending motion (Dkt # 63). So Ordered. (Signed by Judge Kenneth M. Karas on 10/23/08)(fk) (Entered: 10/27/2008)
11/20/2008	<u>74</u>	ENDORSED LETTER as to Yehezkel Elia, David Elyaho addressed to Hon. Kenneth M. Karas from Jared J. Scharf dated 11/19/2008 re:.....request that the sentencing in this case be adjourned sixty days.....ENDORSED, Sentence for Ms. Elia is adjourned until February 5, 2009 at 10:00am... (Signed by Judge Kenneth M. Karas on 11/19/2008)(jma) (Entered: 11/21/2008)
11/20/2008		Minute Entry for proceedings held before Judge Kenneth M. Karas: As to Yehezkel Elia Sentencing set for 2/5/2009 at 10:00 AM before Judge Kenneth M. Karas. (jma) (Entered: 11/21/2008)